

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Joaquin Romay

Application No.: 10/772,766

Filed: February 4, 2004

For: TOE SOCK

Group Art Unit: To be assigned

Examiner: To be assigned

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date.

April 14, 2004

Date

Sara R. Hart

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is submitted:

 X Under 37 CFR §1.97(b) within 3 months of the filing of the application and before the mailing date of a first Office Action on the merits.

 Under 37 CFR §1.97(c) together with either:
 a statement under 37 CFR §1.97(e), or
 a fee under 37 CFR §1.17(p)
(after the 37 CFR §1.97(b) time period, but before the mailing date of a final Action, a Notice of Allowance, or an action that otherwise closes prosecution).

 Statement under 37 C.F.R. § 1.97(e)(1): The undersigned states that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

In accordance with the duty of disclosure imposed by 37 CFR § 1.56 to inform the Patent Office of all patents, publications, applications and other information known by Applicants or Applicants' representative that may be material to the examination of the subject application, Applicants' representative hereby provides this Information Disclosure Statement that is prepared

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U.S. App. No. 10/772,766

in accordance with 37 CFR §§ 1.97-1.98 and includes Form PTO-1449 with 29 references listed as items AA-BC.

Copies of the U.S. patents listed on the enclosed form PTO/SB/08A are not enclosed, in accordance with the waiver of the requirement of 37 C.F.R. § 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 that appears in the Official Gazette Notice (Week No. 31) dated August 5, 2003 and entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications Filed After June 30, 2003".

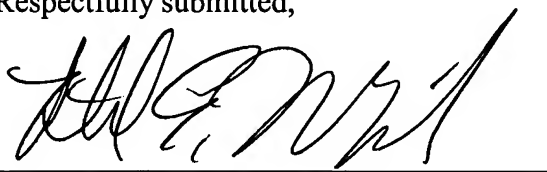
This application is a Continuation application under 35 USC §120 of Application Number 10/158,780, filed May 29, 2002, which is a Continuation of Application Number 09/863,153, filed May 22, 2001. References listed as items AA-BB have been previously made of record in the above-identified prior application; thus, copies of these references have not been enclosed per 37 CFR § 1.98(d).

It is requested that the information provided herein be made of record in this application.

Respectfully submitted,

Dated:

4/14/04



Richard E. Wawrzyniak
Attorney for Applicant(s)
Reg. No. 36,048

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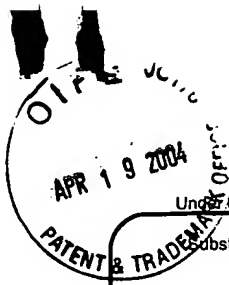
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/772,766	
	Filing Date	February 4, 2004	
	First Named Inventor	Joaquin Romay	
	Art Unit	To be assigned	
	Examiner Name	To be assigned	
Total Number of Pages in This Submission	7	Attorney Docket Number	81687

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/08A in duplicate and Return Receipt Postcard.
<div>Remarks</div>		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Richard E. Wawrzyniak, Esq. (Reg. No. 36,048) Fitch, Even, Tabin & Flannery	
Signature		
Date	April 14 2004	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Sara R. Hart	
Signature		Date April 14, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/772,766
Filing Date	February 4, 2004
First Named Inventor	Joaquin Romay
Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	81687

Sheet	1	of	2
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U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US- 2,219,235	10-22-1940	Morton	
	AB	US- 3,128,763	04-14-1964	Langenfeld et al.	
	AC	US- 4,571,960	02-25-1986	Hursch et al.	
	AD	US- 4,631,755	12-30-1986	Zingg et al.	
	AE	US- 4,843,844	07-04-1989	Hursch et al.	
	AF	US- 4,898,007	02-06-1990	Dahlgren	
	AG	US- 4,958,507	09-25-1990	Allaire et al.	
	AH	US- 5,095,548	03-17-1992	Cheseboro, Jr.	
	AI	US- 5,555,565	09-17-1996	Gallagher, Jr.	
	AJ	US- 5,615,418	04-01-1997	Pruit	
	AK	US- 5,617,745	04-08-1997	Della Coret et al.	
	AL	US- 5,675,992	10-14-1997	Wrightenberry	
	AM	US- 5,784,721	07-28-1998	Huff	
	AN	US- 5,829,057	11-03-1998	Gunn	
	AO	US- 5,983,402	11-16-1999	Fincher	
	AP	US- 6,012,177	01-11-2000	Cortinovis	
	AQ	US- 6,016,575	01-25-2000	Prychak	
	AR	US- 6,021,527	02-08-2000	Lessard	
	AS	US- 6,032,295	03-07-2000	Marshall	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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STATEMENT BY APPLICANT**

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		Number-Kind Code ² (if known)			
	AT	US- 6,082,146	07-04-2000	Dahlgren	
	AU	US- 6,092,397	07-25-2000	Cortinovis	
	AV	US- 6,108,820	08-29-2000	Bernhardt	
	AW	US- 6,158,253	12-12-2000	Svoboda et al.	
	AX	US- 6,286,151	09-11-2001	Lambertz	
	AY	US- 6,308,337	10-30-2001	Penley	
	AZ	US- 6,324,874	12-04-2001	Fujimoto	
	BA	US- 6,334,222	01-01-2002	Sun	
	BB	US- 6,341,505	01-29-2002	Dahlgren	
	BC	US- 6,708,348	03-23-2004	Romay	
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner
SignatureDate
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